

COMMERCE WITH CUBA AND PORTO RICO.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

*In relation to the Commerce of the United States with the Spanish ports
of Cuba and Porto Rico.*

FEBRUARY 3, 1835.

Read, and laid upon the table.

WASHINGTON, January 29, 1835.

To the House of Representatives of the United States :

I transmit to the House of Representatives a report from the Secretary of State, upon the subject of a resolution of the 22d instant, which was referred to that officer, together with the papers referred to in the said report.

ANDREW JACKSON.

DEPARTMENT OF STATE,

Washington, January 29, 1835.

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 22d instant, requesting the President, " (if not inconsistent, in his opinion, with the public interest,) to communicate to that House any correspondence that may have taken place between this Government and that of Spain, respecting the act of Congress, passed on the 30th day of June, 1834, entitled ' An act concerning tonnage duty on Spanish vessels ;' and also any information in his possession going to show whether there is any prospect that the commerce of the United States with the islands of Cuba and Porto Rico will hereafter be regulated upon principles of reciprocity, or whether it is in contemplation by the Spanish authorities to increase or reduce the discriminating duties of tonnage, and the discriminating duties on imports and exports, now levied on American vessels, and on American merchandise and produce," has the honor to transmit a copy of all the correspondence that has taken place between this Government and that of Spain, in relation to the act mentioned in the resolution ; which, together with the

extracts from the despatches of Mr. Van Ness, the minister of the United States at Madrid, herewith also transmitted, contains all the information on the files of the department coming within the scope of the said resolution.

JOHN FORSYTH.

To the PRESIDENT of the *United States*.

[No. 63.]

DEPARTMENT OF STATE,

Washington, July 28, 1834.

SIR: The bill, of which a copy was sent with the despatch from this department, of the 30th of May last, (No. 61,) and which you were informed was then under the consideration of Congress, for countervailing the discriminating duties in Cuba and Porto Rico, was finally passed, without amendment, and received the President's approval on the 30th ultimo.

For the purpose of affording ample time for the Spanish Government to repeal or modify those duties, so that they may cease to act injuriously upon the navigating interest of the United States, the operation of the act is postponed to the 1st of March, 1834.

Within that interval, it is hoped that the renewed representations which the President desires you to make, and for which you will have found useful materials in the papers accompanying the despatch referred to, will have satisfied the Spanish Government of the injustice and impolicy of the measure which the United States have been finally compelled to counteract.

The commerce between the United States and those islands is of great importance to both. The United States desire no advantage from it, to the exclusion of Spain; but they cannot consent that Spanish capital and industry shall be employed in it, to the exclusion of those of the United States. If the discrimination be removed, so that each may engage in the trade on equal terms, it may be expected that neither will have more than its fair proportion of the tonnage employed in it.

It is true that the same result might follow, if the Spanish duties should be countervailed by those of the United States. The policy of the United States, however, (and it is a policy pursued not merely for their own benefit, but for that of all nations,) is to remove, and not to add to the burdens of commerce. But, in this case, a much more important question is involved. Would the commerce bear this double burden?

Owing to the relative geographical position of the United States and the islands of Cuba and Porto Rico, and to the nature of their productions, the trade between them is one that may be carried on to a great extent, and with great mutual benefit. It will prove a subject of lasting regret on both sides if it should suffer any serious injury; and yet such is the inevitable tendency of this war of duties. But, though advantageous to both, it is believed that those colonies will suffer more from its interruption than the United States. It is true that each party desires a market for those articles which it now disposes of to the other. But where are those islands to find such a market as the United States, where the demand is so great, the supply so easy, and the returns so prompt? On the other hand, the productions of tropical countries have become so

abundant, that they may be obtained by the United States almost as easily, and on as good terms, elsewhere : while it would be difficult for those colonies to obtain so advantageously from others the supplies which are now furnished by the United States.

As Spain is now under the guidance of wiser councils than heretofore, it may be expected that juster views will be taken by the Spanish Government of this subject. It is in vain for nations, in these enlightened times, to seek advantages at the expense of others by means of discriminating duties. Such attempts will be met, though it may be tardily, as in this case, with retaliatory duties ; and the commercial competition throughout the world is now so active, that a commerce, thus unwisely burdened, soon falls behind.

It is hoped that Spain, better informed upon these subjects, and following the example of neighboring Powers, will see that the time has arrived when she can no longer enjoy those exclusive advantages which she promised herself from her system of discrimination, and that the best interests of those invaluable colonies now require that the same principles of liberal commerce which have been admitted in the trade between the United States and the mother country should be extended to the trade with them.

By the President's direction, I have already communicated to the Spanish minister at Washington a copy of the act, accompanied, as you will see, by the enclosed copy of my note, with such explanations and assurances as appeared proper to prevent misapprehension.

It is the President's desire that you should also communicate a copy to the Spanish Government ; and that you will, at the same time, explain fully the necessity which the United States were under of adopting countervailing measures to protect the important interests of their citizens.

You will state the reluctance with which they have resorted to them, even after the many fruitless representations which have been made to the Spanish Government. You will point out how scrupulously they have taken care to prevent their measure from going beyond mere self-defence, by making the countervailing duties exactly the same as the discriminating duties. You will express the hope they still entertain that the Spanish Government may, by a change of its measures, yet render the law unnecessary ; in expectation of which they have postponed its operation until March next ; and you will show their earnest desire, even if that hope should be disappointed, to keep the door always open to a better state of things ; for which purpose they have directed that the law shall cease to have effect whenever the discrimination shall cease, or when a satisfactory arrangement may be made on the subject.

You will bring the subject before the Spanish Government in such a manner as befits its importance, and as suits the friendly relations between the two countries. You will urge, with such arguments as your own knowledge of the subject, and of the President's views respecting it, may afford, the complete removal of the discriminating duties ; but if that cannot be effected, you will endeavor to have the utmost possible reduction made in the number and rates of those duties.

The President also desires that you will repeat to the Spanish Government the assurance given to Chevalier Tacón, that, if contrary to his hopes and expectations, it should persist in its discrimination, and

the law should thus necessarily go into operation, it will nevertheless give him pleasure, at any future time, to exercise the power with which he is vested, for the discontinuance of the act whenever the measures of Her Catholic Majesty will justify him in so doing.

Another printed copy of the President's message and report of the committee, which accompanied the despatch No. 61, already referred to, is enclosed.

I am, sir, with great respect,

Your obedient servant,

JOHN FORSYTH.

To CORNELIUS P. VAN NESS, Esq.,

*Envoy Extraordinary and Minister Plenipotentiary
of the United States, Madrid.*

*Extract of a despatch received at the Department of State from Mr.
Van Ness, minister of the United States at Madrid.*

LEGATION OF THE UNITED STATES,

Madrid, October 10, 1834.

SIR: I have the honor to forward, herewith, a copy of a note addressed by me to Mr. Martinez de la Rosa, in pursuance of the instructions contained in your despatch No. 63, of the 28th of July last, on the subject of the trade between the United States and the islands of Cuba and Porto Rico.

Your despatch so fully embraced the argument, and it appeared to me to be so well calculated to have weight with this Government, that I deemed it more advantageous to communicate a translation of it to the minister than to furnish the arguments as from myself.

I have not as yet been able to obtain an answer, nor any indication as to what probably will be the decision of this Government. I hope, however, soon to learn something respecting the matter in question, and will advise you accordingly. * * * * *

Hon. JOHN FORSYTH,

Secretary of State.

Note addressed by Mr. Van Ness to Mr. Martinez de la Rosa, the Spanish Minister of Foreign Affairs.

LEGATION OF THE U. S. OF AMERICA,

Madrid, September 20, 1834.

SIR: In consequence of instructions recently received from the President of the United States, it has become my duty to make one more communication to Her Majesty's Government on the subject of the trade between the United States and the islands of Cuba and Porto Rico.

The inequality, and, as it is conceived, injustice of the Spanish regulations in relation to the trade in question, have been heretofore fully

and repeatedly represented by me, and they were ultimately summed up in the note which I had the honor to address to your excellency on the 24th of April last. It can scarcely be necessary to add, that, not only have all my remonstrances been unavailing, but that the measures complained of have even been augmented by the late royal order respecting the importation of flour into the islands above mentioned.

Under these circumstances, the Government of the United States has found itself obliged to pass a law relating to the matter, which I have been directed to communicate to Her Majesty's Government, together with the motives upon which the act has been founded; and it appearing to me that no explanation can be made so clearly and satisfactorily as by furnishing a translation of the whole of the despatch containing the instructions mentioned, I have concluded to adopt that course: your excellency will accordingly receive, with this note, translations of the law and of the despatch in question.

There is one point which I ought to notice at this time. Contrary to what I had been led to believe, I find that, according to the representations of the consul of the United States at Ponce, in the island of Porto Rico, the vessels of the United States are not on a footing with other foreign vessels, as it respects the tonnage duty exacted at that island; but that the former pay \$1 per ton, while the latter pay only 62½ cents, equal to 5 rials de plata. If this is correct, it is an inequality which certainly ought to be abolished.

In conclusion, I earnestly beg that Her Majesty's Government will take this important subject into consideration so soon as may be possible; and I flatter myself that, if considered in a proper spirit, (which I have no doubt will be the case,) we shall be able to come to some arrangement, alike satisfactory and advantageous to the two countries.

Renewing to your excellency the assurance of my sincere respect and esteem,

I have the honor to remain,

Your excellency's obedient servant,

C. P. VAN NESS.

Mr. Van Ness to the Secretary of State.—Extract.

MADRID, October 21, 1834.

* * * * I have this day had an interview with the Minister of Finance, and have pressed him to do something that may avoid the approaching state of things in relation to our trade with the Spanish islands in America. He has assured me that he will turn his attention to that matter as soon as possible; but I must confess I have no great hope of any change taking place for the present. The truth is, the attention of the ministers is so entirely absorbed by the critical state of the internal affairs of this country, that there is little or no prospect of their seriously taking into consideration the real state of the trade in question. I will, however, continue my exertions, and regularly advise you of all that passes on the subject. * * * * *

Mr. Van Ness to the Secretary of State.—Extract.

MADRID, November 20, 1834.

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 * * I am still pressing the question of our commerce with the Spanish islands, and hope soon to have an answer, though there is little hope of its being favorable. * * * * *

Mr. Forsyth, Secretary of State, to the Chevalier Francisco Tacon, Envoy Extraordinary and Minister Plenipotentiary from Spain.

DEPARTMENT OF STATE,
 Washington, July 25, 1834.

SIR: With a view to place the trade between the United States and the islands of Cuba and Porto Rico upon the same footing in Spanish vessels as in American vessels, Congress, at their last session, passed a law, of which I have the honor to transmit a copy. It is entitled "An act in addition to the act passed on the 13th of July, 1832, entitled An act concerning tonnage duty on Spanish vessels," and was approved on the 30th of June, 1834.

It is universally known that the commercial policy of the United States towards other nations is one of the most liberal reciprocity, and it is equally well known that they have long entertained towards Spain the most friendly sentiments. Her Catholic Majesty may, therefore, be assured, that in resorting to a measure which may by possibility add to the burdens already too great upon the commerce between the United States and the islands of Cuba and Porto Rico, the American Government has yielded only to the paramount obligation of self-defence. The President hopes, however, that under the unlightened guidance of Her Majesty the Queen Regent, the Spanish Government will (if, indeed, it has not already done so) consent to such modifications of its duties upon the commerce carried on between the United States and those islands, as are required by the interests of both countries, and as will render the law unnecessary.

It will be perceived that Congress, in passing the law, has looked forward to such a result. That ample time may be afforded for a full examination of the subject, it has postponed the operation of the law until the 1st of March next, and has, moreover, provided, that whenever the discriminating duties shall have been abolished, or whenever a satisfactory arrangement upon the subject shall have been made, the act shall cease to have effect. I am directed by the President, in communicating the act to you for the information of your Government, to accompany it with the assurance that it will afford him great satisfaction to exercise the power vested in him, whenever Her Catholic Majesty adopts the measures necessary to justify it.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN FORSYTH.

Chevalier Tacon to Mr. Forsyth.—Translation.

SPANISH LEGATION,
Philadelphia, July 28, 1834.

SIR : I will instantly communicate to my Government the contents of the note which you were pleased to address to me under date of the 25th instant, and * * * the law entitled "An act in addition to the act passed on the 13th of July, 1832, entitled An act concerning tonnage duty on Spanish vessels," which was approved on the 30th June last, of which you enclosed me a copy.

I avail myself of this occasion to repeat to you, sir, the assurance of my most distinguished consideration.

God preserve you many years.

Your most obedient servant,
FRANCISCO TACON.

THE NEW YORK TRIBUNE

FRIDAY, MAY 24, 1884

Published by J. M. McKim, at No. 10, Nassau Street, New York.

THE NEW YORK TRIBUNE is published every day, except on Sundays and public holidays, at the office of the publisher, No. 10, Nassau Street, New York. The price of the paper is ten cents per copy, and the subscription price is \$3.00 per annum in advance. The paper is sent by mail to subscribers at a distance of more than one hundred miles from New York. The paper is also sold by retail at the office of the publisher, and by all news-dealers and carriers. The paper is published by J. M. McKim, at No. 10, Nassau Street, New York.

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